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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 RANDY RICHARDSON and LESLIE
8 RICHARDSON,

9 Plaintiffs,

10 v.

11 WELLS FARGO INSURANCE
SERVICES, USA, INC.,

12 Defendant.

C16-1228 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiffs' Motion for Reconsideration, docket no. 26, is DENIED.
16 Motions for reconsideration are disfavored in this district and will ordinarily be denied in
17 the absence of a showing of manifest error in the prior ruling or a showing of new facts or
18 legal authority which could not have been brought to its attention earlier with reasonable
19 diligence. Local Civil Rule 7(h); *see also Kona Enters., Inc. v. Estate of Bishop*, 229
20 F.3d 877, 890 (9th Cir. 2000) ("[A] motion for reconsideration should not be granted,
21 absent highly unusual circumstances, unless the district court is presented with newly
22 discovered evidence, committed clear error, or if there is an intervening change in the
controlling law."). Plaintiffs urge the Court to reconsider its ruling that no "special
relationship" existed between Taw Jackson and Mr. Richardson, but the motion
demonstrates no manifest error in, or any new facts or legal authority relevant to, the
Court's conclusion that the limited interactions between Mr. Jackson and Mr. Richardson
failed to establish a special relationship as a matter of law. In the absence of a special
relationship, Mr. Jackson was under no duty to advise plaintiffs regarding coverage. *See*
American Commerce Ins. Co. v. Ensley, 153 Wn. App. 31, 42-43 (2009); *see also Suter v.*
*Virgil R. Lee * Son, Inc.*, 51 Wn. App. 524, 528-29 (1988). And because Mr. Jackson

1 was under no such duty, the allegedly “newly discovered evidence” related to the cause
2 of the water damage to the Manson Property would not change the outcome of the
3 Court’s decision on summary judgment.¹ Summary judgment was properly granted in
4 favor of defendant.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

7 Dated this 16th day of August, 2017.

8 William M. McCool

9 Clerk

10 s/Karen Dews

11 Deputy Clerk

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18 ¹ Moreover, the Court is not satisfied that plaintiffs could not have discovered the
19 evidence alleged to be “newly discovered” with reasonable diligence prior to the Court’s ruling
20 on summary judgment. *See* Fed. R. Civ. P. 60(b)(2). As such, this evidence would not entitle
21 plaintiffs to relief under Fed. R. Civ. P. 60(b)(2). *See Feature Realty, Inc. v. City of Spokane*,
22 331 F.3d 1082, 1093 (9th Cir. 2003) (holding that relief from judgment based on “newly
23 discovered evidence” is warranted only if the moving party can show that the evidence relied
upon “constitutes ‘newly discovered evidence’ within the meaning of Rule 60(b).”); *see also*
McVicar v. Goodman Global Inc., 2015 WL 12698408, at *2 (C.D. Cal. May 20, 2015) (noting
that evidence is not “newly discovered” under the Federal Rules if it was in the moving party’s
possession at the time the decision was rendered or could have been discovered with reasonable
diligence).